IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P.NO. 1423 OF 2001.

PETITIONER : Shri D.K.Dubey,
aged about 59 years, S/o
Late Shri V.P.Dubey,
Occupation-Block Education
Officer, Tribal Block, Pali,
District-Korba,(Chhattisgarh).

V E R S U S

RESPONDENTS : 1. State of Chhattisgarh,
Through: The Secretary,
Anusuchit Jati, Anusuchit Jan
Jati, Pichhada Varga and Alpa
Sankhyak, Kalyan Vibhag,
Mantralaya, Raipur,(Chhattisgarh).

2. The Commissioner,
Anusuchit Jati, Anusuchit Jan
Jati, Pichhada Varga and Alpa
Sankhyak, Kalyan Vibhag,
Raipur, (Chhattisgarh).

3. Shri Ramesh Chandra Sahu,
Block Development Officer,
Posted in Office of the
Assistant Commissioner,
Tribal Department, Raipur,
(Chhattisgarh).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUE AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

To,

THE HON'BLE CHIEF JUSTICE AND HIS HON'BLE COMPANION JUDGES OF THE HON'BLE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH).

contd....2

(35)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक wp 1423/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15-1-2004

Shri G.N. Gupta, counsel for the petitioner.

Miss Sophiya Khan, Deputy Govt. Advocate for the State.

Heard.

The petitioner has preferred this petition against the order dated 4-7-2001 passed by respondent No.1 whereby respondent No.1 by removing the Principals from the post of Block Education Officer has posted Block Development Officer as Block Education Officer contrary to the rules framed under Madhya Pradesh Adim Jati, Anusuchit Jati, Anusuchit Jan Jati, and Pichchada Varga, Kalyan Vibhag (Rajpatrit) Seva Bharti Niyam 1969.

Learned counsel for the petitioner submitted that the petitioner has been appointed on the post of Block Education Officer in Tribal Block Pali, District Korba by respondent No.1 on 12-1-2001. The petitioner has joined the office of Block Education Officer on 19-1-2001 after having been relieved from the post of Principal, Government High School, Sonakhan, District Raipur. Counsel further submitted that the petitioner is still working on the post of Block Education Officer, Block Pali, District Korba.

Counsel for the petitioner further submitted that respondent No.1 has issued order dated 4-7-2001 Annexure-P/1 in contravention of the appointment rules and the removal/transfer of the petitioner

[पीछे देखिये

(36)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

from the post of Block Education Officer is contrary to the rules as they have right to be continued as Block Education Officer because adequate number of principals have not been appointed as Block Education Officer.

Counsel for the petitioner further submitted that the stay order has already been passed in favour of the petitioner.

Having considered the facts and circumstances of the case and the fact that the transfer is an exigency of the service and without expressing any opinion on the merits of the case, in the opinion of this Court ends of justice will be served if the petitioner is permitted to make a detailed representation along with a copy of this petition 15 days from today before the Competent Authority/respondent and on such representation being filed, the same shall be considered and decided by the Competent Authority as early as possible preferably within two months from the date of receipt of representation in accordance with law after hearing the petitioner. If any adverse order is passed, the petitioner may avail remedy available under the law.

With the direction aforesaid, this petition is disposed of.

Certified copy as per Rules.

Sd/-
Fakhruddin
Judge

Barred

4/3/10

पीछे दें